



United States Department of Agriculture

September 17, 2019

United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW
Washington, DC
20250

Delivered via Electronic Mail

Emma Best
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**Re: Final Response for Freedom of Information Act (FOIA)
Request No. 2019-DA-06484-F**

Dear Ms. Best:

This is the Departmental FOIA Office's (DFO) final response to the attached FOIA request you submitted to the National Archives and Records Administration (NARA), which was routed by NARA to this office, the DFO, for review and response on October 22, 2018. On October 26, 2018, the DFO referred the request and responsive records to the Office of the Inspector General (OIG) for review and response. On August 30, 2019, the OIG referred the request and responsive records back to the DFO for review and response.

You requested copies of all drafted, submitted or received SF-716 forms produced from January 1, 2001 through December 31, 2017 from NARA.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

On October 22, 2018, NARA provided the DFO thirty-four (34) pages of responsive records. The records are USDA SF-716 forms, submitted to NARA by the USDA, from 2001 through 2017. On March 29, 2019, OIG released to you four pages in full of such records, which the DFO had referred to them. This response covers the remaining thirty (30) pages of responsive records.

Following a review of the responsive records, the DFO has determined that certain information contained therein should be withheld pursuant to 5 U.S.C. §552(b)(6) and (b)(7)(C) (FOIA Exemptions 6 and 7C). Below is an explanation of the information that has been withheld.

FOIA Exemption 6

Exemption 6 generally is referred to as the "personal privacy" exemption. It provides that the disclosure requirements of FOIA do not apply to "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Application of the exemption involves balancing the public's interest in disclosure against individuals' privacy interests.

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The information withheld under Exemption 6 consists of the identity of security personnel. This information qualifies as “similar files” because it is information in which individuals have a privacy interest. Moreover, releasing the information could subject the individuals to unwarranted or unsolicited communications. Furthermore, releasing this information would reveal little about the operations or activities of the Government. Since there is a viable privacy interest that would be threatened by disclosure, Exemption 6 authorizes this office to withhold the information. Accordingly, we have determined that the public interest in the information’s release does not outweigh the overriding privacy interests in keeping it confidential.

FOIA Exemption 7C

Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes” that fall within the purview of one or more of six enumerated categories. To qualify under Exemption 7, the information must have been compiled, either originally or at some later date, for a law enforcement purpose, which includes crime prevention and security measures, even if that is only one of the many purposes for compilation. Exemption 7(C) provides that, “records of information compiled for law enforcement purposes” may be withheld from disclosure, but only to the extent that the production of such documents “could reasonably be expected to constitute an unwarranted invasion of personal privacy[.]” In applying Exemption 7(C), the DFO considered whether a significant privacy interest would be invaded, whether the release of the information would further the public interest in shedding light on the operations or activities of the government, and whether in balancing the privacy interests against the public interest, disclosure would constitute an unwarranted invasion of privacy.

The information withheld under Exemption 7(C) consists of the identity of security personnel. These individuals have a significant privacy interest in their identity, which, if known, could expose them to unwarranted invasions of their privacy. Furthermore, releasing their identities would reveal little about the operations or activities of the Government. Therefore, withholding this information is appropriate under Exemption 7(C).

You may appeal this response by email at USDAFOIA@ocio.usda.gov, or by mail to the Assistant Secretary for Administration at 1400 Independence Avenue, S.W., Whitten Building, Room 209-A, Washington, D.C. 20250-0103. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The DFO will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above, a copy of the original request, the DFO’s response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked “Freedom of Information Act Appeal.”

You may seek dispute resolution services from the DFO’s FOIA Public Liaison, Ms. Ravoyne Payton at USDAFOIA@ocio.usda.gov.

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You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request-assistance.htm> for information about how to request OGIS assistance in relation to a FOIA request.

Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, no fees will be charged.

If you have any questions regarding the processing of this request, please contact Ms. Stephanie Ostrowski at (202) 205-9548, or electronically at stephanie.ostrowski@usda.gov or USDAFOIA@ocio.usda.gov. For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dms.usda.gov/foia.

The DFO Team appreciates the opportunity to assist you with this matter.

Sincerely,

Alexis R. Graves

Alexis R. Graves
Departmental FOIA Officer
Office of the Chief Information Officer

Enclosure: Responsive Records (30 pages)